

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BILLY RAY WILLIS,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-04-1502-L
)	
GARY JOHNSON, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Gary M. Purcell on April 28, 2005, in which he recommended that this action be dismissed without prejudice for failure to serve defendants within the time prescribed by Fed. R. Civ. P. 4(m) and for failure to prove exhaustion of state court remedies. In his timely filed objections, plaintiff asks the court to dismiss this action without prejudice and "without assessment of the filing fee or court costs." While the court grants plaintiff's request to dismiss this action, it cannot relieve him of the responsibility to pay the filing fee in full. See 28 U.S.C. § 1915(b)(1). The Report and Recommendation is approved and adopted. This action is dismissed **without prejudice**. Judgment will issue accordingly.

It is so ordered this 14th day of June, 2005.



TIM LEONARD
United States District Judge